

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

Nicholas Colucci, d/b/a EZ Line Putters, §  
Plaintiff, § Civ. No. 6:08-CV-288 (JDL)  
v. §  
Callaway Golf Company, §  
Defendant. §

**JOINT MOTION TO DISMISS WITH PREJUDICE**

Plaintiff Nicholas Colucci, d/b/a EZ Line Putters and Defendant Callaway Golf Company jointly move the Court to dismiss all claims asserted by any party with prejudice pursuant to Fed. R. Civ. P. 41(a)(2), with each party to bear its own costs and attorneys' fees.

Dated: October 8, 2010

Respectfully submitted,

/s/ Andy Tindel \_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document was served on all parties via electronic delivery or U.S. mail this 8<sup>TH</sup> day of October, 2010.

/s/ Wesley Hill